

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RONALD FULLER,

Plaintiff,

v.

Case No. 2:18-cv-1722

Chief Judge Edmund A. Sargus, Jr.

Magistrate Judge Chelsey M. Vascura

LAKESHORE FINANCIAL, LLC, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

After the Court entered default Judgment in the amount of \$41,988.88 against Defendants, Lakeshore Financial LLC and Joel Williams, Plaintiff served discovery requests targeted to ascertain basic financial information to aid in execution of judgment. When Defendants failed to respond to those requests, Plaintiff moved under Federal Rule of Civil Procedure 69 for an order compelling Defendants' responses. The Court granted Plaintiff's Motion and Ordered Defendants to respond to the discovery requests by September 28, 2020. Defendants failed to respond, prompting Plaintiff to file the subject Motion for Contempt. (ECF No. 33.) The Court noticed this case for a June 14, 2021 hearing on Plaintiff's Motion for Contempt. Plaintiff's counsel appeared at the June 14, 2021 hearing, but Defendants did not.

Federal Rule of Civil Procedure 37(b)(2) sets forth a laundry list of sanctions for failure to comply with a discovery order, including "treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination." Fed. R. Civ. P. 37(b)(2)(A)(vii).

Based upon Plaintiff's Motion for Contempt (ECF No. 33), the attached exhibit (ECF No. 18-1722), and counsel's representations at the June 14, 2021 hearing, the undersigned finds that Defendants have violated the Court's August 28, 2020 Order (ECF No. 32) by failing to respond to Plaintiff's discovery requests. It is therefore **RECOMMENDED** that Defendants be held in contempt and that a fine of **\$100.00 PER DAY** be imposed on Defendants until they comply with the Court's Order to produce responses to Plaintiff's written discovery. It is further **RECOMMENDED** that Defendants be ordered to pay the attorney's fees and costs Plaintiff reasonably incurred in connection with its Motion for Contempt and June 14, 2021 hearing. Finally, it is **RECOMMENDED** that the daily-fine sanction *not* be imposed should Defendants comply with the Court's August 28, 2020 Order (ECF No. 32) compelling discovery **by July 15, 2021**.

The United States Marshal is **DIRECTED** to serve this Report and Recommendation on Defendant Joel Williams by personal service. Plaintiff's counsel represented that Mr. Williams' last known address is 10315 Pineshadow Dr., Building 13, Apt. 102, Charlotte, NC. 28262. The Clerk is **DIRECTED** to send a copy of this Report and Recommendation via regular and certified mail to Lakeshore Financial, LLC, 3137 Amity Court, Suite 100 Charlotte NC, 28215-5766. The Clerk is also **DIRECTED** to email a copy of this Report and Recommendation to LSFinancial17@gmail.com.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo*

determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE